

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-20741 - APPLICANT: NOVA FINANCIAL - OWNER:
REZA SALIMIAN

**** CONDITIONS ****

The Planning Commission (4-3/ds, ld, bg vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Special Use Permit for a proposed financial institution, specified with waivers to allow a distance separation of 20 feet from a residential use where a minimum of 200 feet is required and a distance separation of 688 feet from an existing financial institution, specified where a minimum of 1,000 feet is required at 2006 East Charleston Boulevard.

The proposed Special Use is for an existing business that the applicant wishes to relocate from 721 East Charleston Boulevard. As the proposed site fails to meet the distance separation requirements, and fails to meet the distance separation requirement from a residential use by a greater margin than at the existing site, staff recommends denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/21/58	The Board of City Commissioners approved a Rezoning (Z-46-56) from R-4 to C-1 on the subject site as part of a larger request.
05/10/07	The Planning Commission voted 4-3/ds, ld, bg to recommend DENIAL (PC Agenda Item #52/rl).
<i>Related Building Permits/Business Licenses</i>	
10/11/01	Business License Number C-21-224-69036 issued to Nova Financial for a Check Cashing Service at 721 East Charleston Boulevard. This application intends to relocate this business to 2006 East Charleston Boulevard.
03/03/104	Business License Number P06-00815B-115120 issued to Noemy Photography and Video for a Photography Business at 2006 East Charleston Boulevard. This business is no longer operating on the subject site.
<i>Pre-Application Meeting</i>	
03/15/07	A pre-application meeting was held and the applicant was requested to submit a site plan showing adequate parking, a floor plan clearly depicting gross floor area, and waivers for distance separation requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
04/05/07	A field check was conducted to assess conditions at the subject site. The subject site was constructed in 1958, and parking aisle widths are narrow by current standards.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.60

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning		
Subject Property	Retail	C (Commercial)	C-1 (Limited Commercial)		
North	Retail	MXU (Mixed-Use)	C-2 (General Commercial)		
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)		
East	Retail	C (Commercial)	C-1 (Limited Commercial)		
West	Retail	C (Commercial)	C-1 (Limited Commercial)		
<i>Special Districts/Zones</i>			<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan					
Redevelopment Plan Area			X		Y
<i>Special Districts/Zones</i>			<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts				X	NA
Trails				X	NA
Rural Preservation Overlay District				X	NA
Development Impact Notification Assessment				X	NA
Project of Regional Significance				X	NA

Downtown Redevelopment Area

The subject site is located within the Downtown Redevelopment Area of the Southeast General Plan. To stimulate revitalization of the City's historic, urban core, several special overlay districts have been adopted which contain unique standards for redevelopment. Redevelopment efforts in this area are not limited to just physical improvements such as streetscape, water fountains, and the promotion of new private-sector construction but also include evaluation of existing and proposed uses to ensure these do not preclude, prevent, detract from or conflict with redevelopment efforts or with each other.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant							
Seating Area	1083 SF	1:50 SF	22				
Remainder	2,167 SF	1:200 SF	11				
Office	1,600	1:300 SF	6				
Retail	3,740	1:250 SF	15				
SubTotal			49	3	37	1	Y*
TOTAL (including handicap)			52		38		

*The existing retail center is deficient in parking by the current code standards. Title 19.10.010(C) defines such developments as parking impaired. Records from the Clark County Assessor's office show that the existing building was constructed in 1958, prior to the standards contained in the current zoning code. Building permits and certificates of occupancy may be issued for parking impaired developments given that, as in this case, the redevelopment does not increase the building area or result in a change of use which requires an increased number required parking spaces. The proposed use can be included within the existing building without a negative impact.

Waivers		
Request	Requirement	Staff Recommendation
Allow a Financial Institution, Specified to be 20 feet from an existing Residential Use.	200 Foot distance separation requirement	Denial
Allow a Financial Institution, Specified to be 660 feet from an existing Financial Institution, Specified at 1830 E. Charleston.	1,000 Foot distance separation requirement	Denial

Comparative Distance Separations		
Requirement	Existing Location 721 E. Charleston	Proposed Location 2006 E. Charleston
200 Foot distance separation requirement from a parcel zoned for	100 Feet from R-4 zone at 800 E. Charleston Boulevard	20 Feet from R-1 zone at 2001 to 2011 Ballard Dr.
1,000 Foot distance separation requirement an existing Financial Institution, Specified	100 Feet from an existing Financial Institution, Specified at 700 E. Charleston Boulevard.	660 Feet from an existing Financial Institution, Specified at 1800 E. Charleston Boulevard.

ANALYSIS

- **General**

This application is for a Special Use Permit to relocate an existing Financial Institution Specified from 721 East Charleston Boulevard to 2006 East Charleston Boulevard. The existing location is located 100 feet from an R-4 zone (the location of an existing office use) where a 200-foot distance separation is required, and 100 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. The new location is only 20 feet from an R-1 zone, and 660 feet from existing Financial Institution, Specified where distance separations of 200 feet and 1,000 feet, respectively, are required.

- **Zoning**

The subject site is currently zoned C-1 (Limited Commercial). The Financial Institution, Specified use is permitted in C-1 (Limited Commercial) with the approval of a Special Use Permit. This application, if approved, will satisfy this requirement.

- **Use**

A Financial Institution, Specified is defined by Title 19 as a business whose primary function is to lend money; cash checks or other negotiable instruments for a fee, service charge or other consideration; or provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. A Financial Institution, Specified may not provide the services of Auto Pawn or Pawn Shop establishments which are considered more intensive uses. The Financial Institution, Specified use requires that the building, or portion thereof, dedicated to the use shall be a minimum of 1,500 square feet. The subject suite is 1,511 square feet and therefore meets this requirement. The applicant requested a Waiver for this requirement, but it is not necessary.

- **Conditions**

Title 19.04.050 lists the following conditions for the Financial Institution, Specified use, adopted by City Council April 21, 2004:

1. The use shall comply with all applicable requirements of Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.

4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed Financial Institution, Specified fails to meet condition #7 as it is located only 20 feet from a residential lot where a 200-foot distance separation is required, and 688 feet from an existing Financial Institution, Specified where a 1,000-foot distance separation is required. A waiver from each of these conditions would be required as a condition of approval for this request. As this proposed Financial Institution, Specified cannot be approved without a waiver to the distance separation requirement; staff recommends denial of this application. The proposed use does meet the requirement of Condition 6, and while the applicant requested a waiver, the proposed use will take place in a 1,511 square foot suite, and such a waiver is not required.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as it is located only 20 feet from existing residential development where a 200 foot distance separation is required.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

As it fails to meet the minimum standards for the type and intensity of the proposed Financial Institution, Specified use, the subject site is not physically suitable.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Charleston Boulevard is a 100-foot Primary Arterial as per the Master Plan of Streets and Highways and is adequate to meet the needs of the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of the Special Use Permit at the subject site will be inconsistent with the public welfare and overall objectives of the General Plan in its failure to provide for adequate distance separation standards.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use fails to meet the distance separation requirements from residential uses and existing Financial Institutions, Specified per Title 19.04. Therefore, staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT

12

SENATE DISTRICT

10

NOTICES MAILED

201 by City Clerk

APPROVALS

0

PROTESTS

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